

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**Court Minutes**

**March 29, 2010**

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

**C060957 CALIFORNIA SCHOOL BOARDS ASSOCIATION et al. v. CALIFORNIA STATE BOARD OF EDUCATION; O'CONNELL, as Superintendent, etc., et al.**

Cause called. Benjamin J. Riley, Deputy Attorney General, argued for appellant. Deborah Caplan argued for respondents. Karen Getman appeared only for real parties in interest and respondents O'Connell et al. Michael Hersh appeared only for real parties in interest and respondent California School Boards Association et al. Cause submitted.

At 10:05 a.m., the court recessed. At 10:07 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Butz, Associate Justice.

**C059214 MCCOURT et al. v. REGENTS OF THE UNIVERSITY OF CALIFORNIA et al.**

Cause called. Robert P. Biegler argued for appellant. Michael W. Pott argued for respondent. Cause submitted.

At 10:28 a.m., the court recessed. At 10:32 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

**C057666 THE PEOPLE v. JOSHUA WAYNE WEDDLES**

Cause called. Susan K. Shaler, court appointed counsel, argued for appellant. David A. Rhodes, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:53 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Cantil-Sakauye, Associate Justice.

## 2

### March 29, 2010, Continued

**C061606      MONDRAGON et al. v. MERITAGE HOMES OF CALIFORNIA, INC.**

Cause called. Frederick A. Hagen argued for appellants. Scott P. Brust argued for respondent. Cause submitted.

C062058 SMOLICH v. MERITAGE HOMES OF CALIFORNIA, INC.

Cause called. Frederick A. Hagen argued for appellants. Alan H. Packer argued for respondent. Cause submitted.

At 3:07 p.m., the court recessed until 9:30 a.m., Monday, April 19, 2010.

**C060494 THE PEOPLE v. JASON MORRIS (Not For Publication)**

The judgment is affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.

Robie, J.

**C061156      THE PEOPLE v. MARIO THOMAS AZAMA      (Not For Publication)**

The judgment is modified to strike defendant's conviction for violating section 496 (a) - -count six. In all other respects, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections and Rehabilitation.

BUTZ, J.

We Concur: Raye, Acting P.J.

Robie, J.

**C061603 THE PEOPLE v. REINAL CASTRO, JR. (Not For Publication)**

The judgment is affirmed, except that the case is remanded to the trial court with directions: (1) to determine the date or dates of any admission to, and release from, custody prior to sentencing and the total number of days to be credited pursuant to Penal Code section 2900.5 (consistent with this opinion); (2) to amend the abstract of judgment to reflect the total number of days to be credited; and (3) to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Scotland, P.J.

Cantil-Sakaue, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**Court Minutes**

**March 29, 2010, Continued**

- C059328**      **STONEGATE RIVERSIDE, LLC v.**      **(Not For Publication)**  
**C060640**      **PAIK et al.**  
                The judgment is reversed. The order awarding attorney fees is reversed. Stonegate shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)  
                                SIMS, Acting P.J.  
We Concur:     Raye, J.  
                                Hull, J.
- C060744**      **LANE et al. V. CITY OF SACRAMENTO**      **(Not For Publication)**  
                The judgment is reversed, and the trial court is directed to vacate its order granting the city's motion for summary judgment and enter a new order denying that motion. Plaintiffs shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)  
                                ROBIE, J.  
We Concur:     Blease, Acting P.J.  
                                Raye, J.
- C060843**      **In re the Marriage of GERALD L. and**      **(Not For Publication)**  
                    **JOYCE ANN GIBESON; GIBESON v.**  
                    **GIBESON**  
                The judgment is affirmed. Appellant shall pay respondent's costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1), (2).)  
                                ROBIE, J.  
We Concur:     Hull, Acting P.J.  
                                Butz, J.
- C061953**      **DARCHUCK v. STATE PERSONNEL**      **(Not For Publication)**  
                    **BOARD; CALIFORNIA DEPARTMENT**  
                    **OF CORRECTIONS AND REHABILITATION**  
                The judgment is affirmed. Respondents shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278 (a).)  
                                ROBIE, J.  
We Concur:     Hull, Acting P.J.  
                                Butz, J.
- C062733**      **THE PEOPLE v.**      **(Not For Publication)**  
                    **CITY OF SACRAMENTO**  
                The judgment is affirmed. The city is awarded its costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(2).)  
                                ROBIE, Acting P.J.  
We Concur:     Butz, J.  
                                Cantil-Sakauye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**Court Minutes**

**March 30, 2010**

**C055139      THE PEOPLE v.      (Certified For Publication)  
JOSEPH TERRELL JOHNSON et al.**

The judgments are modified to give Johnson 599 days of custody credit pursuant to section 2900.5. ... As modified, the judgment is affirmed.

NICHOLSON, J.

We Concur:    Scotland, P.J.  
Robie, J.

**C059936      THE PEOPLE v.      (Not For Publication)  
HARVEY MACK LEONARD**

The case is remanded to the trial court to determine whether the People can demonstrate the constitutional justification for imposing on SVP's a greater burden to obtain release from commitment than is imposed on MDO's and NGI acqutees. In all other respects, the order of commitment is affirmed.

BUTZ, J.

We Concur:    Sims, Acting P.J.  
Cantil-Sakauye, J.

**C060342      THE PEOPLE v. RALPH ESCUDERO      (Certified For Partial Publication)**

The victim restitution order is vacated, and the judgment is affirmed in all other respects. The matter is remanded to the trial court for the limited purpose of conducting a victim restitution hearing. Following the hearing, the trial court shall amend the abstract of judgment to reflect the amount of victim restitution, if any, ordered by the court; and shall send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur:    Sims, J.  
Cantil-Sakauye, J.

**C060359      THE PEOPLE v.      (Certified For Partial Publication)  
DAIQUIRI HALL et al.**

Defendants' convictions on the first count of receiving stolen property (count five) are reversed. In all other respects, the judgments are affirmed. The trial court shall prepare amended abstracts of judgment reflecting this disposition and forward a certified copy of each abstract to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur:    Scotland, P.J.  
Blease, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**Court Minutes**

**March 30, 2010, Continued**

- C060660      THE PEOPLE v. THE PEOPLE      (Not For Publication)**  
**JOSEPH BRUNO-MARTINEZ**  
The judgment is affirmed.  
HULL, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C060777      THE PEOPLE v.      (Not For Publication)**  
**SAMUEL CONRIQUE FLORES**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur: Hull, J.  
Butz, J.
- C060930      THE PEOPLE v. KANZA YAWILI      (Not For Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Hull, Acting P.J.  
Butz, J.
- C061567      THE PEOPLE v.      (Not For Publication)**  
**LAVELLE CAROL RICHARDSON**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Raye, J.
- C061903      In re L.L.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH & HUMAN**  
**SERVICES v. A.G. et al.**  
The orders of the juvenile court are affirmed.  
BLEASE, Acting P.J.  
We Concur: Nicholson, J.  
Raye, J.
- C061097      In re the Marriage of JAYRAJ and BINDU NAIR; NAIR v. NAIR**  
**BY THE COURT:**  
Respondent's petition for rehearing is granted. The decision filed on  
March 9, 2010, is vacated.  
SIMS, Acting P.J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**Court Minutes**

**March 30, 2010, Continued**

**C062004**      **In re the Marriage of JAYRAJ and BINDU NAIR; NAIR v. NAIR**  
BY THE COURT:

Respondent's petition for rehearing is granted. The decision filed on  
March 9, 2010, is vacated.

SIMS, Acting P.J.

**March 31, 2010**

There are no minutes for this date

**April 1, 2010**

**C059887**      **THE PEOPLE v.**      **(Certified For Partial Publication)**  
**BARRY ALLEN TURNAGE**

The judgment of conviction is affirmed. The sentence is vacated, and the  
matter is remanded for sentencing on the violation of section 148.1(d) as a  
misdemeanor.

RAYE, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

**C061423**      **THE PEOPLE v.**      **(Not For Publication)**  
**JOSEPH ALFRED RUNNER**

The judgment is affirmed. The trial court is directed to apply an  
additional four days of presentence custody credits to defendant's sentence.

RAYE, Acting P. J.

We Concur: Butz, J.

Cantil-Sakauye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

7

**Court Minutes**

**April 1, 2010, Continued**

**C058743      LEG INVESTMENTS v. BOXLER et al.      (Certified For Partial Publication)**  
**C059785**

The judgment and the order awarding the Boxlers attorney fees are reversed. The trial court is directed (1) to vacate its orders granting the Boxlers' motion for summary adjudication and denying LEG's motion for summary adjudication; (2) to enter a new order granting LEG's motion for summary adjudication on its first cause of action for partition by sale, and to deny the Boxlers' motion for summary adjudication on that cause of action and on its first cause of action in its cross-complaint for declaratory relief; and (3) to enter an interlocutory judgment directing partition of the Property by sale. LEG shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1) & (a)(2).)

CANTIL-SAKAUYE, J.

We Concur:    Scotland, P.J.

Sims, J.

**C061651      In re J.M.; PLACER COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. K.M.**

The judgment is affirmed.

RAYE, J.

We Concur:    Blease, Acting P.J.

Butz, J.

**C062777      In re M.L. et al.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND HUMAN**  
**SERVICES v. K.F. et al.**

The judgment is affirmed.

RAYE, J.

We Concur:    Nicholson, Acting P.J.

Cantil-Sakauye, J.

**April 2, 2010**

**C059253      THE PEOPLE v.      (Not For Publication)**  
**DARRIN LEE PACHECO**

The judgment is affirmed.

BUTZ, J.

We Concur:    Sims, Acting P.J.

Hull, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

8

**Court Minutes**

**April 2, 2010, Continued**

- C062183**      **In re D.B.; SACRAMENTO COUNTY  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. ELIJAH B.**      **(Not For Publication)**  
                 The judgment is affirmed.  
                 CANTIL-SAKAUYE, J.  
We Concur:    Hull, Acting P.J.  
                 Butz, J.
- C058523**      **BERTLOW et al. v. ARNAIZ DEVELOPMENT COMPANY, INC., et al.**  
BY THE COURT:  
                 Respondents' request to publish the opinion filed on  
March 8, 2010, is denied.  
                 HULL, Acting P.J.
- C058523**      **BERTLOW et al. v. ARNAIZ DEVELOPMENT COMPANY, INC., et al.**  
BY THE COURT:  
                 The request of nonparty Kasdan Simonds Riley & Vaughan LLP to  
publish the opinion filed on March 8, 2010, is denied.  
                 HULL, Acting P.J.